

Citizen's Police Review Board

05/02/2005

MINUTES

Board Members Present:

Minister William C. Muhammad,
Ann Craig, Dardinella Hippchen,
David Burlingame, John C. Barrett,

Board Members Absent:

Juana Santos, (Excused)
Adelia Winchel, (Excused)
Sonya Hernandez, (Excused)
Brett Sova, (Excused)

Staff Present:

Denny Powers, Staff Liaison

Chairperson Minister William C. Muhammad called the meeting to order at 6:35 p.m.

Minister Muhammad asked if everyone had a chance to read the previous meeting minutes and if there were any corrections or additions.

It was motioned to approve the previous meeting minutes as presented. The motion was supported and passed by unanimous consent of those present.

Old Business

None.

New Business

As Ms. Hernandez was not present yet and was possibly going to be coming in later Chairperson William C. Muhammad stated that we would bypass the agenda item on hearing appeal procedures and come back to it.

Public Participation

Chairperson William C. Muhammad stated that Mr. Jackie Darnell, President of the Muskegon Area Chapter of the NAACP was present and had a few questions he would like to ask the board.

Mr. Darnell stated that he was not familiar with everyone on the board and asked if the board members could introduce themselves. The board members then went around the table and introduced themselves.

Mr. Darnell stated that as President of the local NAACP he is mandated by the National NAACP to deal with several initiatives which include jury selection and preliminary hearing issues.

Mr. Darnell asked how many minority based groups are currently represented on the board.

Minister William C. Muhammad stated that there are three seats for minority based groups and he believed that two of those are currently filled. Mr. Powers stated that all nine seats on the board are filled at this time and the three minority based coalition seats are currently taken by Minister Muhammad, Janie Santos and Sonya Hernandez.

Mr. Powers noted that this does bring up a question though as Ms. Hernandez is on the board as a representative of the Urban League and the local chapter just closed its doors. Mr. Powers stated that he would have to check and see if having a national affiliation is going to suffice for the purpose of having a seat on the board.

Mr. Darnell asked what neighborhood's are represented on the board. Mr. Barrett stated that he is representing Jackson Hill. Ms. Craig stated that both she and Ms. Hippchen represent the Nelson Neighborhood.

Mr. Darnell asked if the Law Enforcement position is only present at the time of a hearing or do they always attend.

Mr. Powers stated that all board members are to attend the monthly meetings on a regular basis unless they have an excused absence.

Mr. Darnell asked if the officer on the board could make a justifiable decision if he or she has a personal relationship or knowledge of an officer who is the subject of an appeal hearing.

Mr. Burlingame stated that if any member has a relationship or knowledge of any party to an appeal such that it could be conceived as a possible conflict they are to recuse themselves from being involved in the hearing. He stated that this goes for all board members.

Minister William C. Muhammad stated that he has had to do this twice himself.

Mr. Burlingame stated that each board member has to sign a document upon being approved for a position on the board which states that they must abstain in such cases.

Mr. Darnell asked if all complaints are first handled through the internal affairs investigation process.

Minister Muhammad stated that this is the case.

Mr. Darnell asked if the process then is that if the complainant does not agree with the outcome of the internal affairs investigation that it then comes to this board.

Minister Muhammad stated that if the complainant is not satisfied with the outcome of the internal affairs investigation and they so choose they may request and appeal before the board. He stated that there is a section on the form they receive for that purpose.

Mr. Darnell asked what happens if the complainant disagrees with the board's decision.

Minister Muhammad stated that there is no further appeal process within the city at that point and the person would have to seek a remedy by some other means. He stated that the city has been good in working with them and that while they are not privy to the types of discipline given out due to privacy issues with personnel files that the board does receive a yearly overview.

Mr. Darnell noted that in a report he received from Mr. Powers that it shows a higher number of internally initiated investigations that ended up with a finding that the officer had some type of wrong doing than with outside complaints. He noted that one mandate of the National NAACP is that police cannot police police. He did note that the fact that things have been initiated internally and wrong doing has been found and dealt with shows that there has been some house cleaning going on by Director Kleibecker and this is a good thing. He also noted that the fact that numbers of complaints have declined shows that the system in place has been working.

Mr. Darnell explained the process he uses when people come in with a complaint against and officer. He stated that he does attempt to refer them to go to the department and file a complaint but that he does have forms available and if they wish they can fill them out and they will follow them through the process. He noted that if a complaint comes through the NAACP and the complainant is not satisfied with the outcome that they will follow-up with their own investigation.

Mr. Darnell stated that he is not in the business of making and threats or anything of that nature and that he just wanted to board to be aware of his mandates and the procedures used at the NAACP and that he looked forward to working with the board.

Mr. Barrett stated that he has been on the board since it started and he has seen that the system has been very fair. He gave an example of when there was a case where the issue was more of parenting problem than with the officers actions but that he has seen the board look at both sides of issues.

Mr. Darnell stated that he agrees that there are always two sides to a story and he keeps that in mind himself when he receives complaints. He stated that he is glad the system is working.

Ms. Hippchen stated that she wanted to refer back to the statement that was made about complaints against an officer from an outside department. She stated that to her knowledge there has only been one complaint against an officer from another police agency. Mr. Powers stated that he believes we are talking about two different issues and that he believes Mr. Darnell is talking about the spreadsheet that show the investigations that were initiated within the Muskegon Police Department itself. Mr. Darnell affirmed that.

Mr. Hippchen noted that she sees it as a good thing to have an officer on the board to give the board a police perspective on issues so that they have the citizen perspective and the police perspective and can get a better look at the whole situation. She talked about a case where a person was restrained and the officer could explain procedures that officers are trained to use in restraining a person.

Mr. Darnell stated that the issue of physical restraint is one that the NAACP is also looking at and that they had sent a request to each police agency some time ago asking for the agencies procedures on use of force so they know those procedures and know how to address such complaints when they come in.

Mr. Darnell excused himself and thanked the board for their time. Minister Muhammad thanked Mr. Darnell for coming to the meeting.

Minister William C. Muhammad stated that since there were only five members present that he would like to table to agenda item on hearing procedures until next month when hopefully more of the board members could be present. All members were in agreement and this issue was tabled.

Mr. Powers noted that he would try to get some answer on the question of the Urban League seat.

It was motioned, supported and passed by unanimous consent to adjourn the meeting.

The meeting was adjourned at 7:15 p.m.

The next meeting is June 6, 2005 at 6:30 p.m. in room 103 of Muskegon City Hall.

Respectfully submitted,

Denny Powers

Denny Powers, Staff Liaison to the CPRB